



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

**Nyle S. ELLIOTT**

Group Art Unit: **3761**

Serial No: **10/667,655**

Examiner: **Adam Marcetich**

Filed : **September 23, 2003**

For : **COLOSTOMY ALERT DEVICE  
AND METHOD**

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On October 22, 2007, the Office issued a final rejection in the above-identified application. It is first respectfully requested that the finality of the rejection be withdrawn. A new grounds for rejection was made in the Action and this grounds was not necessitated by Examiner's Amendment. Under these conditions, it is improper to make the rejection final.

In the Office Action, the Examiner rejects claims 1-5, 7-12, 21 and 23 as unpatentable over U.S. 6,171,289 (Milot et al) in view of U.S. 6,723,040 (Brady). The Examiner relied upon Brady for disclosing a third and fourth conductor on a plug, the Examiner stating that it would have been obvious to add conductors on the plug of Milot in order to alert a patient of a temporary block discharge. Claim 6 was rejected over these two patents in further view of U.S. 4,121,589 (McDonnell) and claim 22 was indicated as containing allowable subject matter. Reconsideration of the rejection is respectfully requested in view of the following remarks.

Millot et al. discloses a pad secured to a patient and having two arcuate printed circuit tracks 15, 16, having electrodes 17, 18. These conductors do not extend from the passage 8 as is claimed. The tracks are concentric with the passage 8 as described in stated at column 3, lines 41-45. In addition, conductivity between the electrodes 17, 18 on the tracks 15, 16, is used to measure the adhesiveness of the seal. This is described in detail in the paragraph bridging columns 3 and 4. As the adhesive composition is charged with wetness, there is an increase in conductivity of the adhesive which is measured by the electrodes 17, 18. For that reason, there is no reason or purpose to add electrodes to the ostomy bag 2 which connects to the seal.

Given the different structure and function of the conductors in Millot et al, there is no motivation to adding any conductors to the ostomy bag 2.

If any fees are due and owing, the Commissioner is authorized to charge Deposit Account 08-2455.

Respectfully submitted,



Christopher J. McDonald  
Reg. 41,533

November 8, 2007

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**Attorney's Docket: A-8601.RFR/cat**